

02-20-03

1774

PATENT  
ATTORNEY DOCKET NO. 01942-00003

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Eija Marjut Pirhonen )

Serial No.: 09/981,676 )

Filed: October 16, 2001 )

Title: BONE GRAFTING MATERIALS )

Examiner:

Art Unit: 1774

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FEB 24 2003  
TC 1700Assistant Commissioner for Patents  
Washington, D.C. 20231

## TRANSMITTAL LETTER

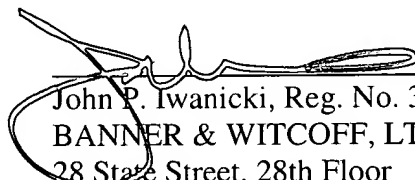
In regard to the above identified application, we are transmitting herewith the attached:

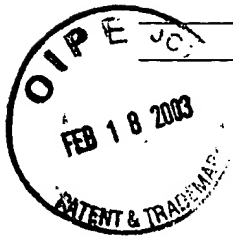
1. Response to Restriction Requirement, and
2. Return postcard.

Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

Date: February 18, 2003

  
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**RESPONSE TO RESTRICTION REQUIREMENT**

Dear Sir:

This is in response to the Office Action mailed January 17, 2003.

**REMARKS**

At page 2 of the instant Office Action, the Examiner has required restriction between two groups of inventions, namely claims 1 – 37, drawn to a scaffold material (Group I), classified in class 428, subclass 388; and claims 38 – 49, drawn to a method of making scaffold materials (Group II), classified in class 523, subclass 115.

Applicants respectfully traverse the restriction requirement. MPEP 806.05(f) sets forth an alternate test for determining whether restriction of claims directed to a product and a process of making the product presented in a single application is appropriate. According to the test, restriction between claims is appropriate only if (1) the process *as claimed* can be used to make